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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated: this the 11th day of APRIL 2008

Original Application No. 1221 of 2007

Hon'ble Mr. N.D. Dayal, Member (A)
Hon'ble Mr. A.K. Gaur, Member (J)

Umesh Prasad, S/o Late Ram Braksh Prasad, R/o Village Parsauni Post
Bhatani, Police Station Bhatani, Distt: Deoria.

... Applicant

By Adv: Sri Anupam Shukla

V E R S U S

1. Union of India through the General Manager, North Central Railway, Allahabad.
2. Divisional Commercial Manager (Railway) Varanasi.
3. Senior Divisional Commercial Manager (Railway) Varanasi.

... Respondents

By Adv: Sri P.N. Rai

ORDER

By Hon'ble Mr. N.D. Dayal, Member (A)

Sri Anupam Shukla learned counsel for the applicant and Sri P.N. Rai learned counsel for the respondents.

2. Learned counsel for the applicant points out that the appellate order at page 13 of the OA dated 08.05.2007 is a non speaking order which is contrary to Rule 22 of the Railway Servant (D &A) Rules, 1968 because it does not carry any discussion as to whether the procedure followed was correct or whether the proceedings are free from any other infirmity in view of the judgment of the Hon'ble Supreme Court in case of Ram Chandra Vs. Union of India and others. Therefore, he submits that the appellate

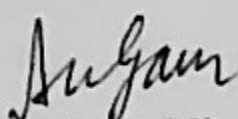
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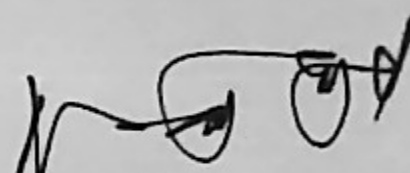
order deserves to be quashed as it is cryptic and non-speaking and contrary to the Rules and law.

3. We find force in the stand taken by the learned counsel for the applicant. The appellate order dated 08.05.2007 is set aside and the matter is remitted back to the appellate authority for taking decision on the appeal of the applicant afresh keeping in view the observation of the Tribunal as above and pass appropriate order within a period of 03 month from the date of receipt of a copy of this order and the applicant shall be informed forthwith.

4. The OA is disposed of as above. No costs.


Member (J)

/pc/


Member (A)